

1                               IN THE UNITED STATES DISTRICT COURT  
2                               NORTHERN DISTRICT OF ILLINOIS  
3                               EASTERN DIVISION

3 DOROTHY FORTH, et al.,                               ) Docket No. 17 C 2246  
4    )                               )  
4    ) Plaintiffs,                               )  
5    )                               )  
5    ) v.                                       ) Chicago, Illinois  
6    )                               ) August 28, 2018  
6 WALGREEN CO., et al.,                               ) 9:00 o'clock a.m.  
7    )                               )  
7    ) Defendants.                               )

8                               TRANSCRIPT OF PROCEEDINGS - STATUS  
9                               BEFORE THE HONORABLE JOHN Z. LEE

9 APPEARANCES:

10 For the Plaintiffs:                               ROBBINS GELLER RUDMAN & DOWD, by  
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17 For the Defendants:                               REED SMITH LLP, by  
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20    REED SMITH LLP, by  
21    MS. SELINA COLEMAN  
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25    (appearing telephonically)

24                               ALEXANDRA ROTH, CSR, RPR  
25                               Official Court Reporter  
219 South Dearborn Street, Room 1224  
Chicago, Illinois 60604  
(312) 408-5038

1 (Proceedings had in open court:)

2 THE CLERK: Case 17 CV 2246, Forth versus Walgreens.

3 MR. LEIB: Good morning, your Honor. Michael Leib on  
4 behalf of Walgreens.

5 MR. ALPERSTEIN: Good morning, your Honor. Jason  
6 Alperstein from Robbins Geller Rudman & Dowd on behalf of  
7 plaintiffs.

8 MR. ALEXANDER: Good morning, your Honor. Carey  
9 Alexander of Scott + Scott on behalf of plaintiffs and putative  
10 class.

11 MR. LEIB: We also have a colleague of mine, Selina  
12 Coleman, on the phone.

13 MS. COLEMAN: Good morning.

14 THE COURT: Good morning.

15 All right. Good morning, counsel. So what's the  
16 status of the case please?

17 MR. ALPERSTEIN: So last time we were before the Court  
18 was in April, April 26 of this year. Court consolidated the  
19 cases, set a date for the filing of amended complaint and  
20 answer. And the parties began discovery.

21 Since then the parties have served and responded to  
22 written discovery. Both parties have produced documents. We  
23 are still in the process of meeting and conferring on  
24 defendant's production and the use of search terms for further  
25 production.

1           We've also noticed a 30(b)(6) deposition. We are in  
2 the process of meeting and conferring on that, the scope of the  
3 topics. Document production does impact our ability to take  
4 some depositions, at least some of the topics. But we are  
5 working collaboratively with defendants on this, and I think  
6 we'll resolve all these issues.

7           We also served a notice of serving the subpoenas to  
8 third parties duces tecum with deposition. This is towards the  
9 entities that were involved in the development and the  
10 implementation of the prescription savings club with Walgreens,  
11 and also other pharmacy benefit managers of either the fund  
12 plaintiffs and others that we believe have relationship with  
13 Walgreens.

14           So lot of discovery going on, a lot of meet and  
15 conferring going on. The only thing that I'd like to draw the  
16 Court's attention is, we do have a deadline of November 12 for  
17 the amendment of the pleadings. And I think that might be  
18 something that we may need to change, depending on where we are  
19 with discovery.

20           We are hopeful that we'll be able to work through a  
21 lot of these issues that we are meeting and conferring about.  
22 But perhaps if it please the Court, if we could be back here  
23 maybe in about 60 days or so, sometime in October, just to give  
24 an update on where discovery is. At this point we haven't made  
25 a determination where -- whether an amendment would be

1 necessary. We're not sure if we're able to do so depending on  
2 where we are with discovery.

3 So that's the only thing I'd like to bring to the  
4 attention of the Court.

5 THE COURT: All right. Anything to add?

6 MR. LEIB: I don't have much to add, your Honor. We  
7 will be serving our own discovery letter on opposing counsel.  
8 But opposing -- today we expect to send that letter. The meet  
9 and confers have gone very well, and we have been coordinating,  
10 working well.

11 We have gathered over 1.9 million documents and are in  
12 the process of reviewing 400,000 documents. And as counsel  
13 said, we are doing rolling productions. We expect another  
14 production to go out this week, and we'll continue as we review  
15 to provide documents.

16 I think that's really all I have to add.

17 THE COURT: What is the status of the meet and confers  
18 with regard to ESI discovery? I know that you said you're  
19 negotiating search terms. When do you think you will be able  
20 to help -- well, when do you think the parties will be able to  
21 wrap those discussions up, to determine whether or not they are  
22 at issue, or whether they will have an agreement with regard to  
23 custodians and search terms and the like?

24 MR. LEIB: We actually provided the list of search  
25 terms to the other side quite a while ago. I have not had any

1 objections. I don't know if they'll have any now. We still  
2 are discussing custodians. And that's easy to add upon  
3 agreement.

4 So I don't know what your thoughts are.

5 MR. ALPERSTEIN: Yeah, I think our search terms were  
6 provided last week. We are in the process of reviewing that,  
7 seeing if there is any additions to be made there. I -- I  
8 think they look generally pretty good. And if we have any  
9 additions, I don't think they will be any -- it won't be  
10 controversial.

11 So hopefully we'll be able to reach an agreement on  
12 the search terms to be used so we can just get going on that.  
13 And I don't anticipate that being a problem.

14 MR. LEIB: The parties have talked about having  
15 another meet and confer right after Labor Day. As I just said,  
16 we'll be serving our discovery letter on them today.  
17 Presumably we can have conversations regarding that. And  
18 hopefully before Labor Day if you have any concerns with search  
19 terms or custodian you can let us know. And we can meet and  
20 confer about that during that conference and wrap all that in  
21 one conference.

22 MR. ALPERSTEIN: Good.

23 THE COURT: Okay. All right. Very well. I will go  
24 ahead and set this case for further status. Carmen, let's look  
25 at the week of November 5.

1 THE CLERK: November 6 at 9:00 o'clock.

2 MR. ALPERSTEIN: That's good.

3 THE COURT: Very good.

4 MR. ALPERSTEIN: Thank you very much, your Honor.

5 (Which were all the proceedings heard in this case.)

6 CERTIFICATE

7 I HEREBY CERTIFY that the foregoing is a true, correct  
8 and complete transcript of the proceedings had at the hearing  
9 of the aforementioned cause on the day and date hereof.

10

11 /s/Alexandra Roth

11/1/2018

12 \_\_\_\_\_  
13 Official Court Reporter  
14 U.S. District Court  
15 Northern District of Illinois  
16 Eastern Division

\_\_\_\_\_  
Date

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